

United States Senate

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

4450 SOUTH RURAL ROAD
SUITE B-130
TEMPE, AZ 85282
(480) 897-6289

2400 EAST ARIZONA
BILTMORE CIRCLE
SUITE 1150
PHOENIX, AZ 85016
(602) 952-2410

450 WEST PASEO REDONDO
SUITE 200
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(202) 224-7132
(602) 952-0170

December 13, 2004

Elaine Zelinski
Arizona State Director
Bureau of Land Management
222 N. Central Ave.
Phoenix, AZ 85004-2203

Dear Elaine:

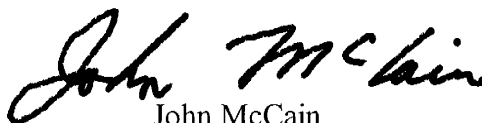
I wish to bring to your attention a matter concerning my constituent, Ex. 6 who has encountered a problem with being compensated for land acquired by your agency.

Please investigate my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with a copy of the final decision. MARK ALL CORRESPONDENCE TO:

Attn: Michelle Gramley
Office of Senator John McCain
4450 S. Rural Road
Suite B-130
Tempe, AZ 85282

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (480) 897-6289. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain
United States Senator

JM/zmg
Enclosure

Bureau of Land Management
Arizona State Office
Phoenix, Arizona
DEC 21 2004

cc: *Carl/Elaine-jm*
910 _____
EEO _____
910B _____
911 _____
912 _____
917 _____
930 2 _____
950 _____
Field Office _____
Central Files _____
910 2 _____
911 _____

Dear Senator McCain

I am requesting your help in applying pressure to the B.L.M. on paying for taking over our private property in the Agua Fria National Monument. Our land is called the Richerbar Mining Claims.

It is coming up five (5) yrs since they claimed our property and we have not received compensation.

I would be very glad to come into your office

to discuss this with you. The BLM has done an appraisal on the property but, of course, they will not discuss it with me.

I am the last of my father's family who purchased this property in the late 30's.

I sincerely look forward to your help in this problem.

Sincerely,

[Redacted Signature]

Ex. 6

12/8/04

REC-111 12/20/04



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona State Office
222 North Central Avenue
Phoenix, AZ 85004
www.az.blm.gov

In Reply Refer To:
1781/3735 (AZ932)



JAN 20 2005

The Honorable John McCain
Office of the United States Senate
Attention: Michelle Gramley
4450 South Rural Road, Suite B-130
Tempe, Arizona 85282

Dear Senator McCain:

Thank you for your letter dated December 8, 2004, on behalf of your constituent, **Ex. 6** regarding private property within the Agua Fria National Monument.

Bureau of Land Management (BLM) records indicate that the family of **Ex. 6** holds the subsurface rights (mineral) in the "Richinbar" patented mining claim group, which comprises 241.92 acres. The owner of record for the surface estate is **Ex. 6**. The Richinbar claim group is private property (surface and mineral) and is completely surrounded by lands that comprise the Agua Fria National Monument.

The BLM Phoenix Field Office is managing the Agua Fria National Monument in accordance with the January 11, 2000, presidential proclamation that established the monument. This document states "nothing in the proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation" Accordingly, BLM has not "claimed" the Richinbar property, as **Ex. 6** suggests in her letter, and we have no authority to do so. Additionally, no appraisal of the property (surface or subsurface) has been conducted or has been authorized by BLM, and BLM is unaware of any other party conducting such an appraisal. Because the property is privately owned and BLM has made no "claim" for the property, **Ex. 6** is not entitled to compensation from the Federal Government.

We wish to maintain good relations with all those having realty interests in and around the Agua Fria National Monument. I have asked our Phoenix Field Office to contact **Ex. 6** to discuss her concerns. For safety reasons, the highway right-of-way fence does have an authorized lock restricting public access to the area that includes the Richinbar property. Arizona Department of Transportation has authorized this lock for administrative use by landowners and authorized personnel because the turnoff is not a standard exit from the interstate highway. We can assist **Ex. 6** in obtaining a key for the lock or placing her own lock on the chain.

To avoid any confusion, I would like to point out that any mineral activity or development of the privately held Richinbar lands is not within the jurisdiction of the BLM, and BLM will not

Cost
11/19/05
21/19/05
11/19/05
11/19/05
Taylor
11/19/05
11/20/05
11/20/05

interfere with the peaceful enjoyment of any private property owner. Of course, because access to the property must cross the monument, any activity that would alter the condition or location of access routes from their condition at the time of the January 11, 2000, proclamation must be done in accordance with the proclamation and all applicable laws, regulations and policies concerning the management of the Agua Fria National Monument. BLM has strict jurisdiction over activities conducted on public lands within the monument.

I hope this information has been helpful and addresses the concerns that **Ex. 6** raised in her letter.

Sincerely,

ELAINE Y. ZIELINSKI

Elaine Y. Zielinski
State Director

cc: Your Washington Office

Bureau of Land Management
Phoenix Field Office
21605 North 7th Street
Phoenix, Arizona 85027

Ex. 6 sw:01-13-2005